

FILED

JUL 30 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
E. BARRETT PRETTYMAN FEDERAL COURTHOUSE
333 CONSTITUTION AVE, N.W.
WASHINGTON, D.C. 20001**

JEFFREY ASKANAZI MD

3254 47th street
Hamilton, MI 49419
616-994-2256

v.

Case: 1:12-cv-01284
Assigned To : Sullivan, Emmet G.
Assign. Date : 7/30/2012
Description: FOIA/Privacy Act

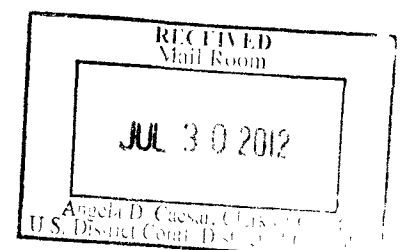
DRUG ENFORCEMENT ADMINISTRATION

MAILSTOP: AES
8701 MORRISSETTE DR.
SPRINGFIELD, VA 22152

**COMPLAINT FOR RELEASE OF INFORMATION, UNREDACTED, IN THE DEA
INVESTIGATION OF ELLIOTT MICHAEL GUTMAN MD.**

Now comes **PLAINTIFF, Jeffrey Askanazi MD** who states:

- 1) PLAINTIFF is a former physician, now functioning as a free-lance writer collecting information in the matter of a murder trial in Orlando, Florida dating to October 24, 1999.
- 2) Convicted in the murder of Douglas Miller Jr. is Naval Officer Jason Paul Kent on April 19, 2002.



3) The initial crime occurred in the context of a child molestation allegation; with **PLAINTIFF Jeffrey Askanazi MD** meeting with **Jason Paul Kent** in *October 8, 2011* to begin the process of chronicling the handling of child molestation (or often mishandling as Penn State now proves) by the legal system.

4) The 6 hour interview allowed for the *unusual and unexpected conclusion* that in fact, Jason Paul Kent was NCR (*not criminally responsible*) by reason of having a **Dissociative Fugue** (**Appendix A** for specific medical discussion justifying this diagnosis).

5) Investigative research following this meeting is detailed below and suggests the defense was subject to manipulation, and the guilty verdict was obtained through grossly unfair (and most likely illegal) methods by the prosecution. Here are the key (but by no means all inclusive) interim conclusions by the **plaintiff, Jeffrey Askanazi MD**:

-5a) The cornerstone of the defense was the plea of temporary insanity of Jason Paul Kent at the time of the murder.

-5b) An ostensibly renowned Florida psychiatrist , Elliott Michael Gutman MD, was retained by the defense for the purpose of establishing the diagnosis of temporary insanity. Dr. Gutman was a past president of the Florida Board of Psychiatry, and unquestionable well equipped to establish the diagnosis beyond reasonable doubt.

-5c) Phone contact with 3 of the jurors juror's in the murder trial of Jason Kent was made by **Plaintiff Dr. Askanazi** on April 2, 2012. From these discussions Plaintiff Askanazi

concluded without a doubt that Dr. Gutman had an unexpectedly poor (better make that “miserable”) performance for the defense, his lack of substance in testifying was a key reason for the conviction of Mr. Kent almost 13 years earlier. Based on the April 2, 2012 interview with the jurors and review of Dr. Gutman’s testimony in the trial transcript, it is clear that not only did Dr. Gutman portray himself with a lack of confidence, he never provided a firm and specific diagnosis of mental illness to the jury or explained how the events could unfold in the presence of mental illness. A psychiatrist with the experience of Dr. Gutman should have been able to explain how the events of the murder could unfold in the presence of a Fugue state, resulting in Mr. Kent being determined to be NCR (not criminally responsible).

-5d) Now if plaintiff Dr. Askanazi, a former anesthesiologist (Plaintiff Askanazi was a Board Certified Anesthesiologist, with a residency at Columbia-Presbyterian Medical Center in NYC) can figure out the diagnosis of DISSOCIATIVE FUGUE to potentially exonerate Mr. Kent the question then arose, why should an experienced, senior Florida Psychiatrist perform so badly as an expert witness for the defense.

-5e) The disturbing answer is the basis for this Complaint; Dr. E. Michael Gutman, the key witness for the defense was investigated by the same prosecutorial law enforcement group, based out of the Orlando, Florida office, at the same time as this very group was involved in the prosecution of Lt. Jason Paul Kent.

-5f) The chronology of events is as follows:

(1) In early 2000 Dr. Gutman is retained by defense counsel in the matter of the People of the State of Florida vs. Jason Paul Kent, the allegation being the murder of Douglas Miller Jr.

(2) Soon thereafter the *State of Florida begins a fraud investigation of Dr. Gutman* (Appendix B).

(3) Dr. Gutman short circuits the fraud investigation by giving up his Medicaid certificate in July of 2001, immediately preceding the trial of Jason Paul Kent, scheduled for July 24, 2001.

(4) The prosecution in the case of Jason Kent, having just “discovered” new documents in July of 2001, causes a delay in the Kent case, at the same time a drug enforcement case is opened up against Dr. Gutman (Appendix B).

(5) The jury returns a guilty verdict in the Kent case on April 19, 2002; the Gutman drug diversion investigation is terminated July 16, 2002 with a conclusion of “no information has been obtained to substantiate the allegations [of diversion of Oxycontin]”. Further the report suggests “based on observations...it is recommended this matter be referred to the fraud division”—dated July 16, 2002. A query to the fraud division of Florida Law enforcement returned a “no file available” result.

(6), In 2003, amazingly, again an investigation documents indicting evidence against Dr. Gutman, including multiple suicides of a number of patients due to drug overdose of controlled substances. Again the investigation ends without any legal consequences for Dr. Gutman (Appendix C). Dr. Gutmans Florida license to practice medicine remains pristine throughout (Appendix D).

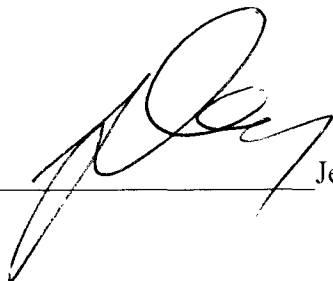
(7) Information obtained from Robert Gutman, (affidavit of Dr. Askanazi regarding phone conversation with Robert Gutman) Appendix D, indicates some sort of meeting was held in 2003 with law enforcement officials and Dr. Gutman “**was never the same**” afterward.

(8) During this entire time there is absolutely no action to limit Dr. Gutman's medical licensure (Appendix D). A **self inflicted gunshot wound** ends Dr. Gutman's career (Appendix E). This was a troubled individual.

6) **DEA Special agent Sharon Lynn** participated in these events hence there must be a DEA file.

7) A DEA FOIA request (**case number 12-00267-F**) was made May 10, 2012, and within the prescribed time frame (May 22, 2012) information documenting the death of Dr. Gutman provided. There has been no adequate response to the request at this time.

Wherefore, Plaintiff, Dr. Jeffrey Askanazi requests this honorable Court order the DEA to provide a full and complete, un-redacted copy of the file regarding the investigation of Dr. E. Michael Gutman.



Jeffrey Askanazi MD 7/26/12 date

APPENDIX A

DISSOCIATIVE FUGUE STATES

Dissociative Fugue, formerly termed psychogenic fugue is one of a number (4 total, the others being: dissociative amnesia, dissociative identity disorder, depersonalization disorder) of disorders termed “dissociative” and is a mental disorder which falls under American Psychiatric Association diagnostic manual ICD-9-300.14. The term “fugue” often considered to be a “dream like” state actually comes from the Latin word for “flight”. This developed from the propensity of individuals with this disorder to become disoriented and wander from their traditional surroundings, often accompanied by a loss of identity. Symptoms may also include memory loss, confusion, sudden and unplanned travel away from home, as well as breakdown of conscious awareness. Dissociative fugue has been linked to severe stress, occurring in wartimes, following major disasters, as well as abuse experienced or observed by the individual. While the translation for “fugue” based on the Latin for flight is clear, the interpretation of “dissociative” in clinical practice is not without disagreement.

Historically individuals exhibiting symptoms of this disorder have been thought to be possessed by “evil spirits”. From a viewpoint of the public perceptions of the disorder what has captured the imagination of novelists and Hollywood producers is the “multiple personality” prototype of Robert Louis Stevenson’s; *The strange case of Dr. Jekyll and Mr. Hyde*. In the legal arena these disorders and particularly the issue of dissociative fugue states have been grounds for NGRI (not guilty by reason of insanity). There are a number of questionnaires developed for the assessment of dissociative tendencies, for example the DES, Dissociative Experiences Scale. Numerous others exist making for an alphabet soup of listings: DIS-Q, Dissociation Questionnaire, PAS-Perceptual Alterations Scale, Questionnaire on experiences of Dissociation, and the Mini-SCID-D. Importantly these are strongly inter correlated so provision of multiple questionnaires may allow separation of a legitimate fugue state from someone who is “faking it” a legitimate concern in law enforcement. **Importantly, these instruments were not employed systematically in the assessment of Jason Paul Kent.**

In the case of Jason Paul Kent, clearly the testimony indicates a tremendous level of stress, his code of honor had a conflict; protect his family vs. follow the law which in the instant case was not seemingly effective in protecting his adopted children from abuse. To what extent abuse in the form of sexual molestation occurred here is not the issue; Jason thought it did and the children (both girls) were in danger of it again. Key elements of Jason’s description of his mental state point to a fugue state, and importantly he tells the EXACT same story during my interview, almost 12 years after relaying it to his attorney.

--Following the event he thought (and conveyed both to his attorney and myself) **“did that really happen, did I really do that?”**

--Indeed, as the prosecutor pointed out to the jury, there was extensive planning, but as told to me on October 8, 2011 and his attorney 12 years earlier, ***"I had the chance a number of times and just couldn't do it"***

--But facing a transfer to Hawaii with his 2 young female children being required to remain in Orlando, Florida for visitation with the biological father, accused of sexual molestation, the conflict between a code of honor that was not reconcilable with the circumstances Jason faced, resulted in extreme stress, he developed of a fugue state; during such a state the murder occurred.

--Had the correct evaluation and presentation to the jury occurred, based on my interviews with the jurors, a potential not guilty verdict might have been delivered.

--In any case the prosecution was pursuing the defense expert witness such that a legitimate defense was impossible.

APPENDIX B

OFFICE OF THE ATTORNEY GENERAL

MEDICAID FRAUD CONTROL UNIT

Orlando Bureau



CASE CLOSING REPORT

ON

Gutman, Michael

CASE # 04-01-05-0036

DATE: 07/16/2002

Prepared By:

Jim Malcolm
Jim Malcolm, Law Enforcement Investigator II

Reviewed By:

TB Szymula
Timothy Szymula, Lieutenant

Approved By:

Anthony J. Dean, Jr.
Anthony J. Dean, Jr., Chief of Investigations

04-01-05-0036- 007

I. SUBJECTS:

1. Name: The Gutman Pain/Accident Center, Inc.
 Business Address: 711 W. Colonial Drive, Orlando, FL 32804
 Telephone: 407-299-7737
 Mailing Address: Same as Business Address
 Owner: E. Michael Gutman
 Federal Tax Number: 52-2284428, 59-1286987, 59-3687752
 Date of Birth: July 18, 1935
 Social Security #: [REDACTED]
 State of FL Corporate #: P00000115046, P00000116675
 Provider #: 0440990-00
 License #: ME0009198

2. Name: Elliott Michael Gutman
 Alias: Mike Gutman, E. Michael Gutman
 Residence Address: 4704 Jasmine Creek Lane, Orlando, FL 32811
 Telephone: Unknown
 Business Address: 711 W. Colonial Drive, Orlando, FL 32804
 Telephone: 407-299-7737
 Physical Description: White/Male
 Date of Birth: July 18, 1935
 Social Security #: [REDACTED]
 Occupation: Medical Doctor - Psychiatrist
 Florida Driver's License #: G355-213-35-258-0
 Professional Licenses: ME0009198
 Prior Arrest(s): Unknown

II. PREDICATE:

This investigation was predicated on information developed during the course of Operation Gold Dust. Gutman's name appeared on a list of high OxyContin prescribers in Orange County. Later, his name appeared as the prescribing provider of OxyContin to several targets identified in Operation Gold Dust. This investigation was opened to determine if any Medicaid fraud laws have been violated, or if patient abuse has occurred in a health care facility receiving Medicaid funds.

III. SUMMARY OF INVESTIGATION:

On 04/20/2001, Analyst Jo Stevens, Medicaid Fraud Control Unit (MFCU), Orlando bureau, Orlando, FL conducted a review of the Florida Rapid Entry to Enhanced Data Online or Medicaid (FREEDOM) system to determine the most prolific prescribers of OxyContin in

Orange County, FL. The results of her review showed that Gutman was the fifth highest prescriber of OxyContin with 8508 Units of Service (UOS) and the fourth highest Medicaid provider in Medicaid claims for OxyContin attributed to him totaling \$36,104.82 (Exhibit 1).

On 09/13/2001, an operation was initiated to determine if allegations regarding Gutman prescribing medically unnecessary controlled substances, including OxyContin, were valid. Involved in the operation were Detectives Pasko and Mostert, Melbourne Police Department (MPD), Melbourne, FL, Detective Randolph, Orlando Police Department (OPD), Orlando, FL, Diversion Investigator (DI) Lynn, Drug Enforcement Agency (DEA), Lake Mary, FL, and Senior Investigator (SI) Clockadale, Lt. Szymula, and myself with the MFCU, Orlando bureau, Orlando, FL. The operation failed to verify that Gutman was prescribing medically unnecessary controlled substances, including OxyContin.

On 9/17/2001, a second operation was initiated to determine if allegations regarding Gutman prescribing medically unnecessary controlled substances, including OxyContin, were valid. Involved in the operation included Detectives Pasko and Mostert, MPD, Detective Randolph, OPD, DI Lynn, DEA and SI Clockadale, Lt. Szymula, and myself with the MFCU. Again, the operation failed to substantiate the allegation.

On 10/1/2001, I met with Dorothy Peterson and William Tant, 5280 Monroe Ave., Cocoa, FL 32927, 321-783-8294, which was the business address of Canaveral Cab Company. I contacted Peterson and Tant to question them regarding a Canaveral Cab Co. taxi being observed dropping a passenger off at Gutman's clinic on 9/17/2001, while Gutman's clinic was under surveillance. Peterson and Tant both denied knowing Gutman or having a business relationship with Gutman. Peterson advised her company has a verbal agreement with the Florida Department of Health, Office of Disability, to transport various patients to doctor's appointments, etc. Their contact person with the Department of Health is Julio Ortiz, 1-800-342-2065, ext. 1018, or local, 407-897-2970. Peterson said the driver of Cab #92 was Mike Yakas (phonetic spelling). Peterson provided a trip sheet however, no identifying information was noted about the passenger. Peterson contacted Yakas and arrangements were made to meet with him. Peterson and Tant could not provide any additional information pertinent to this investigation.

On 10/1/2001, I met with Mr. Michael Yakas, 131 Roosevelt St., Cocoa Beach, FL, 321-431-0594, to question him regarding a Canaveral Cab Co. taxi being observed dropping a passenger off at Gutman's clinic on 9/17/2001, while Gutman's clinic was under surveillance. Yakas vaguely recalled the trip to Orlando on 9/17/2001. He advised he picked up the individual he described as a white male, approximately 6'0", dark hair, medium length, no glasses, no facial hair, near the Wal-Mart on State Road 520. The man flagged him down and told him he wanted to go to Orlando. Yakas said the man was nervous and in a hurry to get to Orlando and later, to return to the Cocoa, FL area. The passenger knew where he was going in Orlando and gave Yakas directions and guided him to an office building. Yakas claims he did not recall the address but said it was an office building near Orange Avenue in Orlando. He let the passenger

out and waited in the parking lot for about 45 minutes. Yakas said the passenger did not say much on the trip to and from Cocoa. When Yakas dropped the man off after the trip to Orlando, the man claimed to not have enough money. The man called a person he said was his brother who responded to the location, ABC Liquor Store on Clearlake Rd. Yakas said he picked the man up around 12:00 PM and dropped him off around 3:00 PM. Yakas doesn't keep any additional documentation regarding his trips or passengers. Yakas could provide no further information relating to this matter.

On 01/25/2002, SI David Brockmeier, MFCU, West Palm Beach bureau, West Palm Beach, FL spoke with Mr. William Latimer, National Insurance Crime Bureau (NICB), Coral Springs, FL 33067, 954-574-0423. Latimer reported he received information from Carol Sherdian, Progressive Insurance, that Alan Plasner, a customer, (MFCU Case #25-02-05-0020) was traveling regularly from Melbourne, FL to Orlando, FL, a distance of approximately 45 miles, to be treated by Gutman, and receiving prescriptions for the pain medication, OxyContin. A review of the Florida Medicaid Management Information System (FMMIS) by Brockmeier revealed that claims for OxyContin, issued by Gutman, were submitted in January 2002 and that at least one prescription was filled.

On 1/29/2002, contact was made with several pharmacies in Belleview, FL to obtain patient prescription histories on Carla Fey, 14860 SE 25th Ave., Summerfield, FL 34491, a Medicaid recipient who was a patient of Gutman and subject of MFCU Case #25-01-05-0058 (Cooper, Cheryl). Summerfield is a small town approximately 40 miles north of Orlando. During the course of these contacts, information was also developed regarding a Michael Fey, 14952 SE 25th Ave., Summerfield, FL 34491, also a Medicaid recipient and patient of Gutman's. These histories showed that Michael Fey obtained OxyContin from Gutman during the period 01/18/01 through 10/04/2001. Carla Fey obtained Carisoprodol from Gutman during the period 01/11/01 through 12/31/01.

On 01/30/2002, Lt. Szymula contacted Sheridan regarding Plasner. Sheridan advised that Plasner, who had automobile insurance with Progressive, filed claims for at least 3 vehicle accidents with injuries with her company since 12/2000. Sheridan stated she had noted that Plasner was traveling from the Melbourne/Palm Bay area to Orlando to see Gutman as well as other providers in Gutman's office. Plasner was obtaining quantities of the drug, OxyContin. (In comparing claims histories with Sheridan on Plasner, indications were that Plasner was causing claims to be made to both Medicaid and Progressive stemming from the same incidents.) Sheridan advised that her company had already interviewed Plasner at least once via an "Examination Under Oath (EUO)", and was planning another in the next 30-45 days. Sheridan advised Plasner's series of accidents was suspicious, and that Progressive had already contracted with a private investigation firm to conduct surveillance on him. Surveillance has reportedly resulted in video of Plasner doing strenuous physical activity, contrary to claims of disability, and unidentified person(s) coming and going from Plasner's vehicles and home. Because of the nature and volume of the claims being generated from Gutman's office on Plasner, Sheridan advised they had contacted Gutman's office and questioned them "hard". She states that since

that time, Gutman has ceased billing the carrier. Sheridan advised that her records indicated that Plasner, who claimed a previous total disability resulting in placement on SSI, was referred to Gutman by a Rebecca Pirela (NFI).

On 02/13/2002, Plasner was interviewed by Lt. Syzmula and Det. Pasko. During the interview, Plasner identified several local physicians, including Gutman, who prescribe a significant amount of OxyContin. The interview of Plasner was videotaped by MPD.

On 04/30/2002, a review of Gutman's Provider file obtained from ACS, the fiscal agent for the Florida Medicaid program, disclosed that Gutman voluntarily terminated his Medicaid provider # in a letter, dated July 23, 2001.

IV. RECOMMENDATION

Information has been developed through interviews and/or review of records of known and/or confessed drug addicts that Gutman was prescribing large quantities of OxyContin for questionable purposes and to known drug addicts. A review of Medicaid providers showed that Gutman was one of the top five prescribers of OxyContin in Orange County. However, two operations to verify this were unsuccessful in obtaining OxyContin from Gutman. It has now been determined that Gutman is no longer a Medicaid provider although other people in his office are still Medicaid providers and recipients are obtaining their medications, prescribed by Gutman, with their Medicaid benefits. Since no information has been obtained to substantiate the allegations against Gutman, it is recommended this investigation be closed. However, based on observations made during the investigation of Gutman and comments made during the interviews of patients and others who have been to Gutman's clinic, it is recommended that this matter be referred to the Division of Insurance Fraud (DIF) for their information and possible action.

V. WITNESS LIST:

1. Name James A. Malcolm, Law Enforcement Investigator II
Address Office of the Attorney General, Department of Legal Affairs, Medicaid
 Fraud Control Unit, 135 W. Central Blvd., Suite 1000, Orlando, FL
 32801
Telephone 407-245-0799, ext. 1041

Testimony: As lead investigator into the allegations against Gutman, I
 can testify as to the results of the investigation including
 interviews, surveillance, etc.

2. Name Timothy Szymula, Lieutenant
Address Office of the Attorney General, Department of Legal Affairs, Medicaid
Fraud Control Unit, 135 W. Central Blvd., Suite 1000, Orlando, FL
32801
Telephone 407-245-0799, ext. 1047

Testimony: As one of the investigators into the allegations against
Gutman, he can testify as to the results of his participation
in the investigation including interviews, surveillance, etc.

3. Name Cynthia Clockadale, Senior Investigator
Address Office of the Attorney General, Department of Legal Affairs, Medicaid
Fraud Control Unit, 135 W. Central Blvd., Suite 1000, Orlando, FL
32801
Telephone 407-245-0799, ext. 1049

Testimony: As one of the investigators into the allegations against
Gutman, she can testify as to the results of her participation
in the investigation including interviews, surveillance, etc.

4. Name John Pasko, Detective
Address Melbourne Police Department, 701 S. Babcock St., Melbourne, FL
Telephone 321-409-2255

Testimony: As one of the investigators into the allegations against
Gutman, he can testify as to the results of his participation
in the investigation including interviews, surveillance, etc.

5. Name Scott Mostert, Detective
Address Melbourne Police Department, 701 S. Babcock St., Melbourne, FL
Telephone 321-409-2246

Testimony: As one of the investigators into the allegations against
Gutman, he can testify as to the results of his participation
in the investigation including interviews, surveillance, etc.

6. Name Sharon Lynn, Diversion Investigator
Address Drug Enforcement Agency, 300 International Parkway, Suite 424,
Heathrow, FL 32746
Telephone 407-333-7046

Testimony: As one of the investigators into the allegations against Gutman, she can testify as to the results of her participation in the investigation including interviews, surveillance, etc.

7. Name Lloyd Randolph, Detective
Address Orlando Police Department, 100 S. Hughey Ave., Orlando, FL 32801
Telephone 407-246-2930

Testimony: As one of the investigators into the allegations against Gutman, he can testify as to the results of his participation in the investigation including interviews, surveillance, etc.

8. Name Alan Plasner
Address 426 Jupiter Blvd., Palm Bay, FL 32907
Telephone Unknown

Testimony: As one of Gutman's patients, Plasner can testify as to the process followed by Gutman's office as it relates to seeing patients, scheduling appointments, etc. as well as Gutman's prescribing practices, examinations, etc.

VI. EXHIBIT LIST:

1. Printout of Medicaid providers listing, in decreasing order, providers who prescribe OxyContin in Orange County, FL and how much Medicaid claims has been attributed to them.

APPENDIX C

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In reference to the over prescribing methods of doctors in the Central Florida area the following occurred.

The Florida Department of Health has received complaints in reference to a Central Florida Doctor practicing within the City of Orlando. Doctor Elliot Michael Gutman's practice is located at 711 East Colonial Drive. According to the DOH investigation an extraordinary amount of Oxycontin prescriptions have been prescribed by Dr. Elliot Michael Gutman as evidenced by doctor profiles supplied by Walgreen's and Eckerd Pharmacies.

The Orlando Police Department's Diversion Investigator Lloyd Randolph told SA Eddie Baron that an investigation was started in early 2002 with little success. An undercover police officer was sent into the practice with a fraudulent MRI with the intention of seeing Dr. Gutman and receiving a pain medication script, however based on the method of initial examination, Dr. Gutman is was not seen.

Upon initial visit the patient is screened by a receptionist, a nurse, an ex-ray technician, and a chiropractor, then is forced to make a second appointment to see the Dr. Gutman only if all prior screenings are successful.

On November 6, 2003, SA Eddie Baron took digital external pictures of Dr. Gutman's practice. The digital pictures have been incorporated into the related item section of this investigation.

Case Number: OR-18-0122	Serial #:22
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Nov 13, 2003	Activity End Date: Nov 13, 2003

Approved By: Bisland,John

Description:

initial report

THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

Case Number OR-18-0122
IR number 22

Report References

Person(s)

671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target
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Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In reference to the over prescribing methods of doctors in the Central Florida area the following occurred.

On November 7, 2003, SA Eddie Baron contacted the Florida Department of Insurance in reference to any information for Dr. Elliot Michael Gutman. Investigator Sherry Cobol provided SA Eddie Baron with two prior doctors who worked with Dr. Gutman.

Dr. Matthew Mountain is a chiropractor who was employed with Dr. Gutman between January 2001 and May 2002. Dr. Tara Wilfong is medical doctor who was employed with Dr. Gutman from February 2001 through July 2003.

SA Eddie Baron found Dr. Mountain in a Deltona Chiropractic Practice and Dr. Wilfong employed in an Orlando bead store. SA Eddie Baron contacted both Doctors on November 7, 2003. Both Doctors agreed to speak to SA Eddie Baron in reference to Doctor Gutman.

During the initial phone conversation with SA Eddie Baron, Dr. Mountain referred to Dr. Gutman as an evil man. This depiction by Dr. Mountain is based on the stress of the office enviroment placed there by Dr. Gutman's anger toward all employees and the over prescription of pain medication, which Dr Mountain stated, wrecked several lives

Interview dates were scheduled with both doctors. The Orlando DEA Diversion group was contacted in reference to the above information.

Case Number: OR-18-0122	Serial #:23
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Nov 13, 2003	Activity End Date: Nov 13, 2003

Approved By: Bisland,John

Description:

contact Attorney General

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Case Number OR-18-0122
IR number 23

Report References

Person(s)

671054	Tara Wilfong	W/F		Referenced
671053	Mathew Mountain	W/M		Referenced
671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target

Business

Vehicle(s)

Member(s)

Case Number OR-18-0122
IR number 25

Report References

Person(s)

671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target
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Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In reference to the over prescribing methods of doctors in the Central Florida area the following occurred.

On November 7, 2003, SA Eddie Baron contacted the Medical Examiner's Office requesting information in regards to any suicide deaths, which listed Dr. Elliot Michael Gutman as the primary physician. Investigator Jim Burns initially faxed SA Eddie Baron six suicidal deaths resulting from over dose which listed Dr. Gutman as the primary physician.

SA Eddie Baron obtained the following information from the Medical Examiner's reports and a Physician Desk Reference book.

Jeffrey Jones:

History: Drugs/Alcohol
Schizophrenia
Muscle aches

Rx found: Seroquel 25 mg
Use: treatment of schizophrenia
Symp: muscle spasms

Rx found: Trileptal 150 mg
Use: seizures
Symp: drowsiness

Rx found: Desipramine 25 mg (Nopramin)
Use: treatment of depression

Kevin L. Hornsby

History: Bi-polar

Rx found: Zyprexa
Use: schizophrenia
Symp: causes low blood pressure

Case Number: OR-18-0122	Serial #:26
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Nov 13, 2003	Activity End Date: Nov 13, 2003

Approved By: Bisland,John

Description:

ME's initial report

THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

Case Number OR-18-0122
IR number 26

Rx found: Triazolam (Halcion)
Use: insomnia
Symp: drowsiness

Rx found: Eskalith
Use: manic depressive

Randall E. Hanson

History: Back pain

Rx found: Endocet (Percocet)
Use: pain analgesic

Rx found: Oxycontin
Use: severe pain

Rx found: Oxycodone
Use: severe pain

Diane McIntire

History: Back pain
(placed on Methadone due to addiction of Oxycontin)

Rx found: Oxycontin
Use: severe pain

Rx found: Seroquel
Use: schizophrenia

Manuel Ruiz

History: back pain

Little information provided. Morpine and Oxycodone found

Based on the above information SA Eddie Baron contacted the ME's office for further information on Diane McIntire. The circumstances relating to her death relate to the increased dosage of methadone. All other deaths were self-inflicted.

Case Number OR-18-0122
IR number 26

Case Number OR-18-0122
IR number 26

Report References

Person(s)

671039	Manuel Ruiz	W/M		Referenced
671042	Diane McIntire	W/F		Referenced
671035	Randall E Hanson	W/M		Referenced
671034	Kevin L Hornsby	W/M		Referenced
671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target

Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In reference to the over prescribing methods of doctors in the Central Florida area the following occurred.

SA Eddie Baron obtained the information below on the death of Diane McIntire from the Medical Examiner's report.

Diane McIntire was a 50-year-old white female who died in May 24, 2002. Orange County Sheriff's Deputy Deputy Galiano responded and spoke with her daughter Michelle McIntire.

Michelle McIntire stated that on the evening of May 24, 2002, Diane McIntire was in and out of her bed with severe coughing and shortness of breath. Michelle McIntire was concerned about the fact that Diane McIntire's doctor had changed the dosage of the Methadone. Diane McIntire stated she was placed on Methadone to get off Oxycontin that was prescribed for back pain in 1991.

The prescription of Methadone was for 2 tablets every 8 hours and the Doctor Ballentine had changed it 4 days prior to 3 tablets, 3 times a day. Dr. Ballentine is currently working with Dr. Gutman.

Case Number: OR-18-0122	Serial #:27
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Nov 13, 2003	Activity End Date: Nov 13, 2003

Approved By: Bisland,John

Description:

Diane McIntire

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Case Number OR-18-0122
IR number 27

Report References

Person(s)

671031	Unknown Ballentine	U/M	Target
671042	Diane McIntire	W/F	Referenced

Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In reference to the over prescribing methods of doctors in the Central Florida area the following occurred.

SA Eddie Baron obtained information that the Sate of Florida Attorney General's Office, Division of Medicaid Fraud Control opened an investigation into the over prescription of Oxycontin by Dr. Elliot Michael Gutman.

SA Eddie Baron contacted Medicaid Fraud Investigator James Malcolm who initiated the investigation into the over prescription of Oxycontin. Investigator James Malcolm stated that in 2002, an investigation was opened based on complaints from local law enforcement. Shortly after the investigation was opened Dr. Gutman voluntarily surrendered his Medicaid provider number. This caused the Division of Medicaid to close the investigation due to both the accomplishments of task and jurisdictional boundaries.

Investigator James Malcolm told SA Eddie Baron that all documents pertaining to the investigation could be reviewed.

Case Number: OR-18-0122	Serial #:25
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Nov 13, 2003	Activity End Date: Nov 13, 2003

Approved By: Bisland, John

Description:

Attorney General's office

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Case Number OR-18-0122
IR number 28

Report References

Person(s)

671091	Bruno Lawrence Gibson	W/M	Oct 09, 1957	Referenced
671092	Daniel Thomas Griffith	W/M	Sep 09, 1951	Referenced
641643	Vada Denise Ward	W/F		Referenced
670883	Robert Thomas Davies	W/M	Dec 31, 1952	Referenced
650916	De Nguyen	A/M		Target

Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigative report is in reference to the over prescribing methods of Dr. Elliot M. Gutman. Dr. Tara Wilfong was a former employee of Dr. Gutman from the middle of 2001 until December of 2002. The following information was acquired from an interview conducted with Dr. Tara Wilfong.

On November 14, 2003, SA Eddie Baron requested the assistance of DEA Diversion investigators Sharon Lynn and Deborah George to interview Dr. Tara Wilfong.

Dr. Matt Mountain hired Dr. Tara Wilfong as an employee at the Gutman Pain and Accident Center. Dr. Wilfong stated that Dr. Elliot Michael Gutman was abusive to employees and that there were arguments among the physicians about prescribing. The other physicians felt that Gutman was prescribing excessive quantities. Gutman wanted control over all operations relating to the clinic, according to Dr. Wilfong.

A new patient entering the Gutman Pain and Management Center would be seen by an assistant and then would proceed to see the chiropractor. The chiropractor would assess the patient and recommend them to Dr. Gutman or if no ailment was observed the patient would be told they could not be seen by the doctor.

Pain patients were supposed to receive their prescriptions once a month, but Dr. Gutman would write them early for any excuse given by the patient. According to Dr. Wilfong Oxycontin is the most prescribed narcotic by Gutman. Dr. Wilfong stated that some carriers such as Disney have dropped Dr. Gutman due to his prescribing practices. Dr. Wilfong stated that Dr. Gutman would discourage patients from getting off narcotics. Several times Dr. Gutman would pre-write prescriptions for the patients to just pick up.

Dr. Wilfong stated that a majority of the patients seen by Dr. Gutman were from Brevard and Marion County. Dr. Wilfong stated that the receptionist, Marion LNU, keeps a secret record of all patients that have died while in Dr. Gutman's care.

Case Number: OR-18-0122	Serial #:29
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Dec 11, 2003	Activity End Date: Dec 11, 2003

Approved By: Bisland, John

Description:

inter Dr. Wilfong

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

Report References

Person(s)

671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target
671053	Mathew Mountain	W/M		Referenced
671054	Tara Wilfong	W/F		Referenced

Business

Vehicle(s)

Member(s)

Case Number: OR-18-0122	Serial #:29
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Dec 11, 2003	Activity End Date: Dec 11, 2003

Approved By: Bisland,John

Description:

inter Dr. Wilfong

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

In furtherance of the investigation into the over prescribing methods of medical personnel in the Central Florida area, the following occurred.

On November 11, 2003, FDLE SA Eddie Baron, and DEA Diversion Investigators Debbie George and Sharon Lynn traveled to 777 Deltona Boulevard, Deltona, Florida, to speak to Dr. Matthew Mountain, Chiropractic Physician.

Dr. Mountain stated that on approximately September of 2000 he met Dr. Elliot Michael Gutman while he was attempting to open up a multi-disciplinary facility, one that would include massage, chiropractic care and medical treatment.

In January of 2001, Dr. Mountain and Dr. Gutman opened a clinic located at 711 West Colonial Drive. Dr. Mountain would examine and evaluate the patients and provide a written report to Dr. Gutman for follow-up treatment. Within the first nine months, Dr. Mountain discovered that Dr. Gutman was routing company credit card advances to his personal account. Dr. Mountain discontinued the partnership on May 4, 2002.

Dr. Mountain explained that he would routinely provide Dr. Gutman with his assessment of a patient along with a recommendation for treatment. Dr. Gutman would be infuriated stating that Dr. Mountain was a Chiropractor not an M.D. Dr. Mountain states that the only treatment Dr. Gutman would provide was the prescribing of medication.

According to Dr. Mountain there was an average of 60 patients a day and 90 on "Med-check day", the day patients would come in just to receive refills on their medication. Dr. Mountain recalls that 8 of Dr. Gutman's patients died in the time span of one month. Several letters of complaint and phone calls would come into the office from family members of the deceased pleading for Dr. Gutman to stop prescribing Oxycontin. Dr. Mountain states Dr. Gutman saw no patient longer than 5 minutes. Dr. Gutman charges \$250.00 for every office visit.

Case Number: OR-18-0122	Serial #:30
Author : Baron, Edwin James	Office: Orlando
Activity Start Date: Jan 07, 2004	Activity End Date: Jan 07, 2004

Approved By: Banks, Daniel Patrick

Description:

Dr. Mountain interview

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Case Number OR-18-0122
IR number 30

According to Dr. Mountain Dr. Gutman is known in the drug community as the "candy man". The interview with Dr. Mountain was recorded and the audiocassette placed in the related item section of this investigation.

Report References

Person(s)

671029	Elliot Michael Gutman	W/M	Jul 18, 1935	Target
671053	Mathew Mountain	W/M		Witness-A

Business

Vehicle(s)

Member(s)

APPENDIX D

YAHOO! MAIL

E. Michael Gutman; ME9198

Thursday, May 24, 2012 11:23 AM

Subject: All records state that Japanyca Allen/Allen state files -
info:va442@yahoo.com

May 24, 2012

Jeffrey Askanazi
3254 47th Street
Hamilton, MI 49419

RE: E. Michael Gutman; ME9198

Dear Askanazi:

The Central Records Unit, Division of Medical Quality Assurance, has received your request for public information regarding the above-referenced individual.

The department has no record of any past or pending public complaints against the above referenced individuals.

The mission of the Department of Health is to protect and promote the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties.

If you have any questions, please call us at (850) 245-4121.

Sincerely,

Japanyca Allen

Japanyca Allen
Deputy Agency Clerk

Affidavit of Jeffrey Askanazi MD

As relates to the May 2, 2012 conversation with Robert Gutman

1. On May 2, 2012 I sent an email to the Gutman Pain Clinic, Orlando, Florida requesting a conversation regarding Dr. E. Michael Gutman.
2. A return email was received from Robert Gutman within a short period.
3. A conversation followed whereby the events surrounding the Gutman Pain Clinic, the law enforcement investigation of Dr. E. Michael Gutman and the subsequent death of Dr. Gutman by suicide were discussed.
4. Notable was the statement, delivered emphatically by Robert Gutman "He (E. Michael Gutman MD) had a meeting with investigators in 2003; he was never the same afterward".

Further affiant sayeth not



Jeffrey Askanazi MD

7/24/12 date

APPENDIX E

**OFFICE OF THE MEDICAL EXAMINER
DISTRICT NINE
1401 Lucerne Terrace
Orlando, Florida 32806-2014**

REPORT OF AUTOPSY

DECEDENT: ELLIOTT M. GUTMAN **CASE NUMBER:** ME 2009-000467

MANNER OF DEATH: SUICIDE **IDENTIFIED BY:** PHOTO ID

AGE: 73 YEARS **SEX:** MALE
RACE: WHITE **DATE OF DEATH:** 04-28-09

DATE/TIME OF AUTOPSY: April 29, 2009, at 10:00 a.m.

PERFORMED BY:  MD, Associate Medical Examiner

CAUSE OF DEATH: Gunshot wound of the head

AUTOPSY FINDINGS

- I. 73 year old white male with gunshot wound of his head
- II. Wound with intraoral entrance
 - A. Lip and gum injury
 - B. Penetrating wound through hard palate into cranial vault along anterior aspect of sella turcica at junction with posterior medial orbital roof on the right
 - C. Passage through edge of right frontal lobe, just anterior to the optic chiasm and then out of cranial vault through interior medial right parietal bone with exit showing external beveling and a stellate wound
 - D. No projectile or fragments seen on x-rays along the wound tract

continued...